

## **Statutory and Other Requirements Pertaining to the South Florida Ecosystem Restoration Task Force**

### **1. Statutory Requirements - WRDA 1996**

Section 528 of the Water Resources Development Act of 1996 (P.L. 104-303) established the inter-governmental South Florida Ecosystem Restoration Task Force (Task Force) and its Florida-based Working Group to, among other things, allow the various federal, state, tribal and local agencies coordinate consistent policies, strategies, plans and programs to address the restoration, preservation and protection of the South Florida ecosystem; exchange information on Everglades restoration efforts; coordinate scientific research; facilitate the resolution of interagency disputes; and receive information from all stakeholders, including the public and local communities, on Everglades restoration efforts. As such, the Task Force facilitates planning and implementation for community-based conservation and restoration efforts in South Florida.

#### **Required Products**

- Integrated Financial Plan – WRDA 1996 requires the Task Force to prepare an integrated financial plan and recommendations for coordinated budget requests for the funds proposed to be expended by agencies and entities represented on the Task Force for the restoration, preservation, and protection of the South Florida ecosystem. The last integrated financial plan was submitted in September 2003. The next plan is currently being updated and expected to be submitted to Congress in September 2004.
- Biennial Report - WRDA 1996 further requires that the Task Force submit a biennial report to Congress that summarizes the activities of the Task Force; the policies, strategies, plans, programs, projects, activities, and priorities planned, developed, or implemented for the restoration of the South Florida ecosystem; and progress made toward restoration. The last Biennial Report /Strategic Plan (see item 3) was delivered to Congress in September of 2002. The updated version of this plan is expected to be completed in September of 2004.

### **2. Statutory Requirements - WRDA 2000**

WRDA 2000 (P.L. 106-541) requires that the Secretary of the Army, Secretary of the Interior, and the Governor of Florida consult with the Task Force in the establishment of an independent scientific review panel to review CERP's progress toward achieving natural system restoration goals. The initial requirement to consult with the Task Force has been met.

### **3. Other Congressional Requirements**

Conference Report 106-479 – The Secretary of the Interior, as Chair of the Task Force, is required to develop a region wide strategic plan that coordinates and integrates Federal and non-Federal activities necessary to achieve ecosystem restoration goals. This Strategic Plan, updated biennially, was originally submitted to Congress in July 2000, updated and revised in August 2002, and will be again submitted to Congress in September 2004. The Conference Report also requires that a total cost estimate of South Florida restoration efforts be submitted

to the House and Senate Committees on Appropriations. This cost estimate information was included in the August 2002 report, and will be again submitted to the Committee in September 2004.

House Rpt. 108-195 – Dept. of the Interior Appropriations Bill, 2004 – The Committee directs the Task Force, through the Science Coordination Team (SCT), to develop a science plan focused on the gaps in scientific information that are needed to further restoration efforts. Realizing that this effort will require an appropriate allotment of staff, the Committee requests that the Task Force undertake an analysis of the staffing needs of the SCT no later than **February 2004**.

#### **4. Requirements in the Programmatic Regulations**

The final programmatic regulations to implement CERP assure that the Task Force will be informed of significant matters and be given an opportunity to have meaningful and timely input. They specifically state that the Task Force will be notified of and given an opportunity to review and provide comment on the following issues.

- Interim goals – The Interim Goals Agreement will be established by a formal agreement between the Secretary of the Interior, the Secretary of the Army, and the Governor of Florida. Interim Goals recommendations, developed by RECOVER, will be provided to the three parties **by June 14, 2004**. The three parties will then consult with the Task Force in developing the Interim Goals Agreement that will contain the final Interim Goals. The final Interim Goals agreement is scheduled to be executed **by December 12, 2004**.
- Interim Targets – The Task Force will be consulted in the development of interim targets for evaluating progress towards other water related needs of the region provided for in the Plan throughout the implementation process.
- Guidance Memoranda – The Task Force will be consulted in the special processes for development of the six program wide guidance memoranda **prior to their development by December 13, 2004**.
- Project Implementation Reports - The regulations require that the Task Force shall be provided with information on the alternatives developed and evaluated for the Project Implementation Reports before the completion of the Draft Project Implementation reports.
- Independent Scientific Review - As noted above, the requirement in WRDA 2000 that the Secretary of the Army, Secretary of the Interior, and the Governor of Florida consult with the Task Force in the establishment of an independent scientific review panel has been met. Furthermore, the Task Force will be afforded the opportunity to review the list of panel members convened by the National Academy of Sciences.

- Pilot Project Design Reports – The Task Force will have an opportunity to review and comment on the Pilot Project Design Reports.
- Pilot Project Technical Data Reports - The Corps of Engineers and the non-federal sponsor will consult with the Task Force when preparing the Pilot Project Technical Data Report, documenting the findings and conclusions from the operational testing and monitoring of the pilot projects.
- Pre-CERP baseline - WRDA 2000 includes a Savings Clause that is generally designed to protect legal sources of water and levels of flood protection that existed on the date of enactment of the law. The pre-CERP base line will specify the hydrology that will serve as the basis for enforcing the Savings Clause, as well as the benchmark for calculating project benefits. The Corps of Engineers and the South Florida Water Management District (SFWMD) will consult with the Task Force **prior to the development of the pre-CERP baseline by June 14, 2004.**
- Adaptive Management Program / Assessment Reports – The SFWMD and the Corps of Engineers will consult with the Task Force in developing the adaptive management assessment report.
- Master Implementation Sequencing Plan – The Task Force will be consulted by the Army Corps of Engineers in the preparation of the Master Implementation Sequencing Plan.
- Comprehensive Plan Modification Reports - The Task Force will be consulted in “any determination that changes to the Plan are necessary to ensure that the goals and purposes of the Plan are achieved, or that they are achieved cost effectively, or to ensure that each project of the Plan is justified on a next-added increment basis.”
- Periodic CERP Updates – The Army Corps of Engineers will consult with the Task Force in periodic evaluations of the Plan using new or updated modeling that includes the latest scientific, technical, and planning information.
- Reports to Congress – In consultation with the Task Force, the Secretary of the Army and the Secretary of the Interior shall submit to Congress, beginning on **October 1, 2005**, a report on the implementation of the Plan as required by WRDA 2000.